

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of J.M.K., J.A.K., and L.A.C., Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

SALIM AZIZ KHOUZOUZ,

Respondent-Appellant,

and

RANIA SALIM KHOUZOUZ,

Respondent.

In the Matter of J.M.K., J.A.K., and L.A.C., Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

RANIA SALIM KHOUZOUZ,

Respondent-Appellant,

and

SALIM AZIZ KHOUZOUZ,

Respondent.

UNPUBLISHED

May 20, 2003

No. 241689

Wayne Circuit Court

Family Division

LC No. 00-394618

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Before: Markey, P.J., and Cavanagh and Hoekstra, JJ.

PER CURIAM.

Respondents appeal by right from the trial court order terminating their parental rights to their minor children, pursuant to MCL 712A.19b(3)(c)(i), (g), and (j).¹ We affirm.

This Court reviews a trial court's decision to terminate parental rights for clear error. MCR 5.974(I); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). If the trial court determines that the petitioner established the existence of one or more statutory grounds for termination by clear and convincing evidence, then the trial court must terminate respondent's parental rights unless it determines that to do so is clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 353-354; 612 NW2d 407 (2000). We review for clear error the trial court's decision with regard to the child's best interests. *Id.*

After a thorough review of the record, we are satisfied that the trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Testimony adduced at trial revealed that, because of his twenty-year addiction to alcohol, respondent father was adjudged mentally incompetent requiring the care of a legal guardian. At the time of trial, respondent father continued to drink despite numerous attempts to overcome his addiction. Indeed, respondent father himself testified that the longest period in which he successfully remained sober was merely four months in duration. In fact, respondent father admitted to consuming "beer or Vodka" less than one week before the trial to terminate his parental rights began. Consequently, we agree with the trial court that respondent father's attempts to overcome his addiction "were a virtual total and miserable failure."

Further, testimony established that respondent father engaged in physically abusive conduct toward respondent mother causing her and the children to seek refuge in a home for domestic violence victims on several occasions. Respondent father continued to drink alcohol and failed to complete domestic violence classes contrary to the treatment plan ordered by the trial court.

Similarly, the record is clear that respondent father failed to obtain and maintain suitable housing. Indeed, at the time of trial, respondent father did not have independent housing and was living with one of his sisters. Additionally, respondent father's only source of income was through social security disability benefits resulting from his "mentally incapacitated" status. Although respondent father reported that he "was looking" for housing at the time of the termination trial, he admitted that he did not have any promising prospects.

However, perhaps most telling, was respondent father's own testimony that, although he ultimately wanted to regain custody of his children, he nevertheless requested that the trial court continue the wardship and allow him to retain his parental rights until such time that he successfully "cured" himself by overcoming his alcoholism, anxiety, and depression. We find

¹ Respondents are the divorced parents of J.M.K. and J.A.K. L.A.C. has a different father, and petitioner did not seek to terminate his parental rights.

that respondent father's children cannot wait that long for him to provide the stability that they deserve.

Similarly, respondent mother also failed to follow the court ordered treatment plan. According to the treatment plan, respondent mother was required to obtain and maintain suitable housing and a legal source of income to secure her children's return. Respondent mother failed in both regards. Although at the time of trial respondent mother had a home, she had no legal source of income necessary to sustain her living environment absent assistance from her many "boyfriends." Respondent herself testified that her boyfriends and other past paramours provided her with the financial wherewithal to rent the home in which she lived at the time of the termination trial.

We find that obtaining financially solvent boyfriends does not constitute a legal source of income and agree with the trial court that "[respondent mother's] willingness to continue to live under [those] circumstances . . . really indicates . . . a complete lack of interest, on her part, in complying with that aspect of her treatment plan, or to be a committed and respectable parent" Indeed, respondent mother's housing situation was unsuitable when the children became temporary wards of the court and, at the time of the termination trial, remained "completely and totally unsuitable."

Moreover, respondent mother also testified that she was not yet ready to have her children returned to her care and custody and advised that she needed additional time to prepare herself to resume her full-time parental responsibilities. Certainly, the record well demonstrates that respondent mother had ample time since placing the two older children with their paternal aunt after her divorce two years before the adjudication to provide for her children and become an efficient and effective parent. Respondent mother failed to do so. We find that all three children need immediate stability and cannot wait for respondents to become acceptable parents.

Further, we find that the evidence did not demonstrate that termination of both respondents' parental rights was antithetical to the best interests of the children. MCL 712A.19b(5); *Trejo, supra* at 356-357. Although there was a bond between both parents and their respective children, testimony clearly established that the two older children thrived in the stable home environment provided by their foster parents. Consequently, the trial court did not err in terminating respondents' parental rights.

We affirm.

/s/ Jane E. Markey
/s/ Mark J. Cavanagh
/s/ Joel P. Hoekstra